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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,333	03/15/2004	Rudolph Balaz	MS1-467USC1	1952

22801 7590 08/25/2004  
LEE & HAYES PLLC  
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SPOKANE, WA 99201

EXAMINER
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REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,333

Applicant(s)

BALAZ ET AL.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see attached
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on March 15, 2004 and July 15, 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear as to what a "degenerated message" is as is currently claimed. In the applicant's specification on page 20, lines 22-23, it is recited that "the CA response generated by certificate authority has no message content and is referred to as a degenerated PKCS #7." It further recites on lines 23-25 "the PKCS #7 message, however, allows multiple certificates to be included in a degenerated PKCS #7 message." It is unclear what the "degenerated message" is and from the specification,

since the degenerated message has no message content, how it can include multiple certificates since it recites that there is no message content.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah, U.S. Patent 6,697,824 (herein referred to as Bowman).

As per claim 1, it is disclosed by Bowman of a computer readable media having stored thereon a computer program (col. 87, lines 54-56). It is inherent that a processor of a computing device executes the program since processors are necessary to read, interpret, and execute the computer programs so that they are executed in the manner that the computer program was intended to be run. A request is transmitted for an enrollment certificate for a virtual private network to a registration authority (RA)(col. 75, line 65 through col. 76, line 12). Figure 40 shows the registration authority (RA) operates independently from the certificate authority (CA) since they are remotely located from one another.

As per claim 2, it is inherent that a processor of a computing device executes the program since processors are necessary to read, interpret, and execute the computer programs so that they are executed in the manner that the computer program was intended to be run. Bowman discloses that requests are transmitted for an enrollment certificate for a virtual private network to a registration authority (col. 75, line 65 through col. 76, line 12).

As per claim 3, it is shown in Figure 40 of Bowman that a router (computing device) is used.

6. Claims 4,6-8,10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by An et al, U.S. Patent 6,715,073.

As per claim 4, An et al discloses of a method implemented at a registration authority (RA) wherein a vault agent (device) sends a request for a certificate from a certificate authority (CA). The RA receives the request and then forwards the request to the CA and the CA then generates a certificate (response) and sends it to the RA which then sends it back to the remote agent (device)(col. 12, lines 22-30 and col. 13, lines 50-52).

As per claims 6 and 12, An et al discloses of the registration authority (RA) being automated (col. 12, lines 24-28). It is interpreted by the examiner that the automation is a dynamically linked library since it is just software code.

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As per claims 7 and 13, An et al teaches of a response including a (degenerated) message being sent between an RA and CA (col. 3, lines 62-64 and col. 12, lines 22-30).

As per claims 8 and 14, it is taught by An et al that the response includes both signing of a certificate of the RA and an encryption certificate of the RA (col. 11, lines 34-37 and col. 12, lines 22-30).

As per claim 10, An et al discloses of an article of manufacture (computer readable media) containing machine readable instructions (computer program), when executed by a processor at a registration authority (RA), allow a vault agent (device) to send a request for a certificate from a certificate authority (CA). The RA receives the request and then forwards the request to the CA and the CA then generates a certificate (response) and sends it to the RA which then sends it back to the remote agent (device)(col. 12, lines 22-30 & 45-48, and col. 14, lines 39-44).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over An et al, U.S. Patent 6,715,073.

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The teachings of An et al are relied upon for the use of a registration authority requesting a certificate from a certificate authority on behalf of a remote agent (device)(col. 12, lines 22-30). The teachings of An et al of the use of the communicating across the Internet (col. 5, lines 34-40), but fail to disclose of a router. The examiner hereby asserts that the use of a router is notoriously well known. It would have been obvious to a person of ordinary skill in the art to have been motivated to have means to allow communications to be expedited across an Internet. One of ordinary skill would have been motivated to apply a router since routers are used for linking many computers and receives messages from computers and forwards them to the correct destination over the most efficient path. It is obvious that the teachings of An et al use routers so that communications can be efficiently forwards from a source to a destination.

9. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al, U.S. Patent 6,715,073 in view of Housley et al.

The teachings of An et al are relied upon for the use of a registration authority requesting a certificate from a certificate authority on behalf of a remote agent (device)(col. 12, lines 22-30). The teachings of An et al disclose of the use of X.509 certificates (col. 6, lines 15-21), but are silent in disclosing of including information pertaining to certificate chains of the certificate authority. It is disclosed by Housley et al in the X.509 standard that recites of accessing a chain of certificates (pg 9, section 3.2). It would have been obvious to a person of ordinary skill in the art to have been



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motivated to apply chains of certificates based on the X.509 standard. Housley et al recites motivation for a chain of certificates by disclosing certification chains are required because a public key user is only initialized with a limited number of CA assured public keys (pg 9, section 3.2). It is obvious that the teachings of Housley et al could be applied to the teachings of An et al as a means of limiting the number of CA public keys as is suggested by Housley et al.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patel et al, U.S. Patent 6,438,690

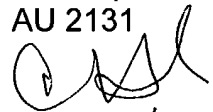
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Revak  
AU 2131

  
8/19/04

CR



August 19, 2004